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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,551	09/18/2000	Mark R. Thompson	19396-001400US	6622
20350	7590	07/22/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			SAJOUS, WESNER	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/663,551	THOMPSON ET AL.
	Examiner Wesner Sajous	Art Unit 2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 April 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9/24/04.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

**Remarks**

This communication is responsive to the response filed April 22, 2005. Claims 1-19 are now presented for examination.

***Response to Amendment***

1. The amendment filed 4/22/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Claims 1-2, 9, 14 and 19 recite the limitation "without altering the function of said graphical user interface". This limitation was not supported by the disclosure at the time the Applicant had possession of the claimed invention. Applicant is required to cancel the new matter in the reply to this Office Action.

***Response to Arguments***

2. The Applicant arguments with respect to the claim rejections have been fully considered but are moot in view of the amendments and the new ground of rejection.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 1-19, the limitation "without altering the function of said graphical user interface" is not supported by the specification or the drawings. The specification is enabled for allowing an end-user to change the shape of a component within an area of the GUI without allowing the end-user to reconfigure the remainder sections of the GUI (see the specification at page 3, lines 28-34 and page 7, lines 1-14). The specification is not enabled for allowing an end-user to change the shape of a component within an area of the GUI without allowing the end-user to alter the function of the GUI. Consequently, the disclosure fails to enable the ordinary skilled in the art how to make use of the invention in a manner commensurate to the scope of the claims. In the event the Applicant disagrees with the rejections, the Applicant is required to direct the Examiner to the section of the disclosure that show supports for the added limitation in the claims.

*For examination purposes, the limitation is treated as "... without altering the remaining section of the graphical user interface"*

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres (5,384,910) in view of Le Blanc (5,977,968), and further in view of Lau-Kee et al. (US 5631974).

Considering claim 1, Torres and LeBlanc render obvious most claimed features of the invention as set forth in the previous office action, paper # 2 and 11; however, the combination of Torres and Leblanc fail to particularly teach [providing a control accessible by a user to reconfigure the shape of the subsection of a GUI] *without supplying an input to the application program controlled by the graphical user interface and without altering the function of the graphical user interface.*

Lau-Kee, in a similar art, teaches [providing (3, fig. 1) a control (4, fig. 1) accessible by a user to reconfigure the shape of the subsection of a GUI (e.g., to modify display area(s) 11b or 11c or 10, see fig. 3 and 17)] without supplying an input to the application program controlled by the graphical user interface (GUI) and without altering the function of the GUI (e.g., without the GUI's program relying directly on the user's input to modify the display areas. See col. 10, lines 32-43 and lines 62-67 in light of col. 9, lines 34-55). It is noted that by allowing the user pre-designated input to modify the

subsection of display area 11b or 11c of fig. 2 by displaying the processed information on display area 11b or 11c, without the application program of the GUI relying directly on the user's input (see Lau-Kee's col. 10, lines 32-43, and lines 62-67), only that subsection of the GUI is modified or reconfigured. Hence, the remaining areas or function of the GUI, is therefore, remained unchanged.

Thus, it would have been obvious for one skilled in the art, at the time of the invention, to learn from Lau-Kee to implement a detail disclosure of the use of computer systems in making the automated process carry out the step of providing a graphical user interface control of a program without the program of the GUI relying directly on the user input. The systems and objectives of providing a GUI for control of a program are quite similar in all Torres, Leblanc and Lau-Kee. All inventions use basic instructions from user to control a program and carry out image processing, wherein Lau-Kee further discloses a means for automating the process without the GUI's program relying directly on the user input to modify the display. See Lau-Kee's col. 10, lines 32-43 and lines 62-67 in light of col. 9, lines 34-55. Hence, one skilled in the art would have been motivated to learn from Lau-Kee to provide a GUI to control a program, through modifying a display area without supplying an input to the application program controlled by the graphical user interface and without altering the function of the graphical user interface. The purpose for combining the references would be to provide an image processor in which a user can assemble image processing operations by visual programming, in which image processing is not performed until a demand for it arises. See Lau-Kee's col. 2, lines 18-22.

The invention of claims 2-3, 11, including a formatting graphical user interface (item 30, fig. 1 of Torres) comprises defining a subsection of the GUI and designating the subsection of the GUI as reconfigurable (*by means of processor 12 of system 10 defining window 34 including a menu field or subsection 60 of fig. 1 of Torres*), is noted to recite features that are analogous to and performing the same functions as recited in claim 1. This being the case, the limitations of claims 2-3, and 11 are therefore, subject to rejections for the same reasons and rationale set forth for claim 1.

Re claims 4-10, 12-13, the claimed steps of--utilizing a width and height to define the maximum expansion and the minimum compression size limit of the subsection, and allowing the user to control the expansion the GUI together with the subsection—are characterized by the functions of processing system 10 of Torre, for this feature allows for maximum flexibility in utilizing the formatted GUI and allows for the customization of the components of the GUI by the user operator. See Torre's col. 3.

Considering claims 14-18 contain features that are analogous to the limitations recited in claims 2-3 and 11. As such the limitations recited in claims 14-18 are rejected under the same reasons and rationale set forth above for claims 2-3 and 11.

The invention of claims 19, including the steps of defining the spatial properties of the subsection (as characterized by Torres' item 56 of fig. 2 by means of processor 12 of fig. 1); and permitting the user to retain the spatial properties of the subsection during reconfiguration (*a feature interpreted to be performed by means of the operator-initiated command under the execution of the processor to contemplate for the*

*designation of the reconfigurable subsection of the GUI 30 in Torres),* is noted to recite features equivalent to and performing the same functions as in claim 2. As the limitations of claim 2 have been found to be obvious over the combined teachings of Torres, LeBlanc and Lau-Kee (see also the Background section of the instant application), it is readily apparent that the applied prior art recite the underlying functions. Thus, claim 19 is rejected for the same reasons as claim 2, wherein the spatial properties are noted to represent the field menus or subsections arrangements on the screen of GUI 30 (see Torre's fig. 2), so as to make the user interaction easier.

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on Mondays thru Fridays between 11:00 AM and 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wesner Sajous -WS-

7/15/05

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